

Nays—1.

Aikin.

Absent—Excused.

Newton.

Adjournment.

On motion of Senator Van Zandt, the Senate, at 11:30 o'clock a. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX.

Report of Standing Committee.

Committee Room,
Austin, Texas, Jan. 28, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 65, A bill to be entitled "An Act making an appropriation of Nine Thousand Dollars (\$9,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to the State Tax Board to pay the expenses of the supervisory staff of the Statewide Tax Survey now being conducted in this State as a Works Progress Administration project, as approved by H. C. R. No. 5, passed by the First Called Session of the Forty-fourth Legislature."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

TWELFTH DAY.

(Friday, January 29, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Lemens.
Burns.	Mbore.
Collie.	Neal.
Cotten.	Nelson.
Head.	Oneal.
Hill.	Pace.

Rawlings.	Van Zandt.
Redditt.	Weinert.
Roberts.	Westerfeld.
Small.	Winfield.
Stone.	Woodruff.
Sulak.	

The following Senators were absent and excused:

Davis.	Shivers.
Newton.	Spears.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Isbell.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Hill.

Senator Newton was granted leave of absence for today on account of illness, on motion of Senator Van Zandt.

Senator Davis was granted leave of absence for today on account of illness, on motion of Senator Pace.

Reports of Standing Committee.

Reports on Senate Bills Nos. 1 and 116 were submitted by the chairman of the committee to which they were referred. (See Appendix for reports in full).

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Small:

S. B. No. 171, A bill to be entitled "An Act amending Article 7064, Revised Civil Statutes, 1925, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, H. B. No. 8, Article 4, Section 5; levying a tax upon foreign assessments life and casualty companies and providing that foreign assessments life and casualty companies admitted to do business in Texas un-

der Chapter 5, Title 78, Revised Civil Statutes 1925, shall pay taxes under, and in accordance with, the provisions of this Article; providing for the investment in Texas of the assessment income of such companies, and declaring an emergency."

Referred to Committee on Insurance.

By Senators Redditt, Davis, Isbell, Beck, Cotten, Hill, Brownlee, Stone, Holbrook, Woodruff, Neal, Burns, Oneal, Collie and Lemens:

S. B. No. 172, A bill to be entitled "An Act which provides for the prevention and control of diseases; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health and prescribing the duties and defining the powers of the State Health Officer and the State Board of Health; repealing all of the old State Sanitary Code known as Chapter 4, Article 4477, Revised Civil Statutes, 1925, save and except Senate Bill No. 46, Acts of the Fortieth Legislature, First Called Session, Chapter 41, page 116, as amended by Senate Bill No. 20, Chapter 4, Acts of the Forty-first Legislature, First Called Session, same being known as the "Vital Statistic Law" which shall remain in full force and effect; and repealing all laws, articles, sections and subdivisions of laws which conflict with or are inconsistent with this act; defining the terms used in the act; arranging for courses of instruction for certain officials; authorizing the State Health Officer under certain conditions to enter premises for the purpose of inspection; providing that the State Health Officer may delegate any of the duties imposed upon him by this Act to any qualified physician; prescribing the qualifications of local health officers and prescribing their duties and defining their powers; providing that the local health officer shall have a right of entry under certain conditions to any premises for the purpose of inspection; authorizing the commissioners' courts, municipalities, and local school authorities to contribute to local health units; providing for appointment and removal of local health unit medical directors, prescribing their qualification and defining their powers and duties; providing that city, county

and district attorneys shall prosecute violations of this Act; providing for the filing of complaints; requiring inspection of certain institutions; authorizing State Health Officers co-operation and organization of local and district health services; requiring reports of certain diseases; providing for the observation of susceptible contacts; requiring certain laboratories to be registered with the State Health Officer; providing for the management and control of communicable diseases; providing for the quarantine of certain diseases and providing further for the placing of placards and the terminal disinfection of premises; declaring it unlawful for persons having quarantinable disease to ride in public conveyances or appear on public roads except under certain conditions; providing for sanitation and control of communicable diseases on railways and bus lines; providing for supplying of enumerated substances to indigent patients; etc., and declaring an emergency."

Referred to Committee on Public Health.

By Senators Hill, Westerfeld and Small:

S. B. No. 173, A bill to be entitled "An Act making it unlawful to operate a freight train consisting of more than seventy (70) cars, exclusive of the caboose, over any railroad line or portion thereof in this State and making it unlawful to operate a passenger train consisting of more than fourteen (14) cars over any railroad line or portion thereof in this State; providing a penalty for a violation of this Act and providing however that this Act shall not apply in case of engine failures between terminals and declaring an emergency."

Referred to Committee on Labor.

By Senator Neal:

S. B. No. 174, A bill to be entitled "An Act validating certain bonds of cities in the State of Texas operating under the General Laws of the State and located in counties having a population of less than 80,000 and more than 70,000 according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth

Legislature of Texas, 1935, and which bonds are payable out of the revenues to be derived from the operation of the city's water works system; authorizing the city to complete its proceedings for the authorization, sale, and delivery of such bonds; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

Senate Bill No. 170.

Senator Nelson moved that the constitutional rule limiting consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on Finance of S. B. No. 170 and its passage by the Senate.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—17.

Aikin.	Nelson.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Stone.
Cotten.	Sulak.
Head.	Westerfeld.
Hill.	Winfield.
Lemens.	Woodruff.
Neal.	

Nays—7.

Holbrook.	Roberts.
Isbell.	Van Zandt.
Moore.	Weinert.
Redditt.	

Absent.

Small.

Absent—Excused.

Davis.	Shivers.
Newton.	Spears.

Senate Resolution No. 16.

Senator Lemens offered the following resolution:

Whereas, Our distinguished colleague, Honorable W. R. Newton, is confined to his room on account of illness, and

Whereas, The loss of his valuable assistance in legislative matters is greatly felt; now, therefore,

Be it Resolved by the Senate of Texas, That it extend deepest sympathies to Honorable W. R. Newton, and hope for him a speedy and complete recovery, and

Be it further Resolved, That a copy of this resolution be transmitted to Senator Newton by the Secretary of the Senate, and

Be it further Resolved, That flowers shall be sent to Senator Newton's room by the Secretary of the Senate, such flowers bearing the card of the Senate of Texas and same to be paid out of the contingent fund.

Signed: Lemens, Winfield, Aikin, Beck, Brownlee, Burns, Collie, Cotten, Davis, Head, Hill, Holbrook, Isbell, Moore, Neal, Nelson, Oneal, Pace, Rawlings, Redditt, Roberts, Shivers, Small, Spears, Stone, Sulak, Van Zandt, Weinert, Westerfeld, Woodruff.

The resolution was read and was adopted unanimously.

Bill and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill and resolution:

H. B. No. 65, "An Act making an appropriation of Nine Thousand Dollars (\$9,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to the State Tax Board to pay the expenses of the supervisory staff of the Statewide Tax Survey now being conducted in this State as a Works Progress Administration project, as approved by H. C. R. No. 5, passed by the First Called Session of the Forty-fourth Legislature."

H. C. R. No. 13, Providing for a joint committee of House and Senate to enter into compact with officials of the State of Oklahoma relative to the use of Red River by the citizens of Texas.

Adjournment.

On motion of Senator Roberts, the Senate, at 10:30 o'clock a. m., adjourned until 10 o'clock a. m., Monday, February 1, 1937.

APPENDIX.

Reports of Standing Committee.

Committee Room,

Austin, Texas, Jan. 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925 as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter Eleven, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency and establishing rules and regulations to govern each action; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, prescribing their duties, providing for their offices, fixing their places of meeting and empowering them to employ a secretary and other assistants; creating the office of parole supervisor, fixing the salary for the appointment thereto; empowering the Governor to appoint Voluntary County Parole Commissions, and citing their duties; providing for the appointment of an executive secretary to the Voluntary County Parole Commissions in and for each Senatorial district in the State of Texas, fixing the salary and prescribing the duties of each executive secretary; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term and providing that the General Manager of the Texas Prison System, insofar as his records will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; defining the duties of each district judge pronouncing sentence upon a prisoner; determining how prisoners serving sentence in the penitentiary shall become eligible for parole; and the manner and conditions of release; requiring an investigation into the case of each parolee suspected of violating the terms of his parole and requiring a hearing in each prisoner's

case when he shall be so charged, and providing for the revocation of same; providing the method of computing a prisoner's time served; requiring all parolees to comply with the terms of their release; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in effect and force, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BURNS, Chairman.

Committee Room,

Austin, Texas, Jan. 28, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

S. B. No. 116, A bill to be entitled "An Act creating the Board of Pardons and Paroles to consist of three members, in response to the amendment to Section 11, Article 4, of the Constitution of the State of Texas, adopted November 3, 1936, prescribing its powers, duties and the procedure before it; providing it may make other rules of procedure not in conflict with this Act; providing for the appointment of its members; prescribing their qualifications, terms of office, the manner of their removal from office and filling vacancies; providing for the appointment of a chairman by the Governor, defining his duties and fixing the time he shall serve as such; fixing the compensation of its members; providing for the payment of expenses of the members of the board and its stenographers when away on official business; providing that a majority of the board shall constitute a quorum; designating place where the board shall maintain its offices; creating the office of executive secretary to the board, to be appointed by the board, prescribing his duties and fixing his salary; providing for applications for clemency, restoration of citizenship, remission of fines and forfeitures, or protests against, shall contain certain information; establishing the procedure to be followed before a petition for clemency, parole, remission of fine

or forfeiture may be filed by the Secretary of the board; providing for regular and special meetings of the board at the respective penitentiary units; defining duties of old Board of Pardons and Paroles when members of new board qualify; limiting the power of the Governor to grant reprieves, commutations of punishment, furloughs, pardons, paroles and the remission of fines and forfeitures; prescribing his duties and power in connection therewith; authorizing the Governor to revoke paroles, furloughs and conditional pardons, either with or without consent of the board; providing and establishing a general system for parole of convicts; declaring who may and who may not be eligible to be considered for parole; providing for the furnishing of clothes, transportation and money to convict at time of parole; providing in certain instances such paroled convicts not to receive any further aid from the Texas Prison Board; declaring that parole is not to be considered clemency; providing for the arrest and retaking of parole violators; providing for compensating peace officers for arresting parole violators and prescribing their duties in connection therewith; prescribing duties of the Texas Prison Board, its General Manager, all district judges, county attorneys, district attorneys, official court reporters, district clerks, sheriffs, and other peace officers, the Bureau of Identification, Bureau of Classification, and other officers, bureaus and boards, in connection with matters before the board, or incident thereto; providing that certain communications, reports, and recommendations, made to the board, by said officers, bureaus and boards, shall be privileged; making an appropriation to pay salaries of members of the board, its employees, and for the support and maintenance of the board until September 1, 1937; declaring the intent of the Legislature should any part of this Act be unconstitutional, repealing Article 6203, Revised Civil Statutes of 1925, as amended by certain subsequent Acts of the Legislature, and all other laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

BURNS, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 116 by adding at the end of Section 32 the following: "Except on the sound discretion of the board."

Committee Amendment No. 2.

Amend S. B. No. 116 by adding after the word "Venereal" (line 3, Section 33) the following: "Or any other contagious diseases."

Committee Amendment No. 3.

Amend S. B. No. 116 by inserting the following at the end of Section 16, page 9:

"Sec. 16A. Parole Supervisor. For the purpose of directing and assisting parole officers, county parole boards, or other supervisory agencies, now or hereafter created, the board shall appoint a State Parole Supervisor, who shall have had experience in probation or parole supervision and shall have been a citizen of Texas for at least two years. He shall perform such duties as are prescribed by law or the board and shall receive an annual salary of Four Thousand (\$4,000.00) Dollars.

Sec. 16B. Duties of Parole Supervisor. It shall be the duty of the State Parole Supervisor, in addition to complying fully with all provisions relative to his office and mentioned elsewhere in this Act, to keep a register of all paroles; to see that all provisions of this Act relative to prisoners released and at liberty on parole are faithfully carried out and observed; to counsel and advise, at such times as may be necessary, all such prisoners in the manner of rehabilitation best suited to each, and to endeavor, insofar as possible, to secure employment for all such prisoners before their release on parole.

Sec. 16C. Parole Officers. As soon as possible after this Act shall become effective, the board shall appoint as many parole officers as it may deem necessary, not exceeding ten, who shall work in conjunction with county parole boards; make detailed reports to the board and perform such other duties in connection

with the supervision and assistance of parolees as the board may prescribe. Parole officers shall be subject to removal by the board with or without cause, at the pleasure of the board. They shall have all the authority of peace officers only in making arrests of parole violators and in the discharge of their official duties under this Act. It shall be the duty of the board to divide the State into as many districts as there are parole officers and assign a parole officer to each district. Each parole officer shall receive an annual salary of Eighteen Hundred (\$1800.00) Dollars, and all actual and necessary expenses incurred in the discharge of his official duties.

Sec. 16D. County Parole Boards. In further aid of this Act, and for the protection of the public and parolees under it, the Governor of Texas, may, when it takes effect, and every two years thereafter, appoint in each county of this State, not less than three nor more than fifteen, citizens who shall constitute the county parole board of the county designated. Persons thus appointed shall be of known integrity and unimpeachable character, have the welfare of society and the rehabilitation of parolees at heart. They shall organize immediately after their appointment by the selection of one of their number chairman and another secretary. It shall be the duty of the secretary to immediately notify the Board of Pardons and Paroles of the organization of the board, the names of its chairman and secretary, and the name and address of each respective member thereof. Each member shall qualify by taking the constitutional oath of office and file the same immediately with the Secretary of State, who shall then issue a commission of office to each member, signed by the Governor of Texas, attested by the Secretary of State and the seal of the State of Texas shall be affixed thereto. No fee shall be charged for this service by the Secretary of State. Members of county parole boards shall serve without pay. It shall be the duty of the secretary of each board to keep a permanent record of all proceedings of his board.

Sec. 16E. Office Space May Be Furnished Parole Officers. The commissioners' court in each county in

which a parole officer has his headquarters may provide in the courthouse, criminal courts building, or in a building near thereto, suitable office space for such parole officer.

Sec. 16F. Duties of County Parole Boards and Members Thereof. It shall be the duty of each county parole board and the respective members thereof to cooperate with the State parole supervisor, parole officers and the board; to assist and encourage parolees, after release, in securing legitimate employment and to take care of those dependent upon them; to warn them against evil associates and immoral or illegal conduct, against violating the conditions of their paroles; to assist them in their reformation and rehabilitation to the end that they may become useful law-abiding citizens; and to report to the Board any illegal or immoral acts and any violation of their paroles. Such reports shall be made immediately to the board. Each county parole board shall, between the first and tenth of each month, make a general report to the board as to the conduct and activities of all parolees which have been paroled to it, together with such recommendations as to any particular parolee as it may deem best."

THIRTEENTH DAY.

(Monday, February 1, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Spears.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.

The following Senators were absent and excused.

Newton.	Small.
Oneal.	Stone.